

238997

009-7-12



SPILMAN THOMAS & BATTLE, PLLC

ATTORNEYS AT LAW

Stephanie U. Roberts  
Direct Dial (336) 631-1062  
[sroberts@spilmanlaw.com](mailto:sroberts@spilmanlaw.com)  
\*Also licensed in SC and FL

September 6, 2012

Via SCPSC E-FILING DMS

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, SC 29210

**Re: Application of South Carolina & Gas Company for Increases and  
Adjustments in Electric Rate Schedules and Tariffs and Request for Mid-  
Period Reduction in Base Rates for Fuel  
Docket No. 2012-218-E**

Dear Ms. Boyd:

Please find attached for electronic filing with the South Carolina Public Utility Commission ("Commission") a copy of the SCPSC Docket Coversheet and a Petition to Intervene on behalf of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart") in the above-referenced matter. All parties have been served a copy of this document in accordance with the attached Certificate of Service.

Please contact us if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By

Stephanie U. Roberts  
(SC B)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Counsel to Wal-Mart Stores East, LP and Sam's  
East, Inc.

SUR/lhi (Enclosures)

110 Oakwood Drive • Suite 500 • Winston-Salem, North Carolina 27103  
[www.spilmanlaw.com](http://www.spilmanlaw.com) 336.725.4710 • 336.725.4476 fax

West Virginia

North Carolina

Pennsylvania

Virginia

OK  
OK  
SERVICE

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2012-218-E

In the Matter of:

South Carolina Electric & Gas Company - )  
Application for Increases and Adjustments in )  
Electric Rate Schedules and Tariffs and Request )  
for Mid-Period Reduction in Base Rates for Fuel )

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served one (1) copy of the foregoing document upon the following parties to this proceeding via First Class Mail:

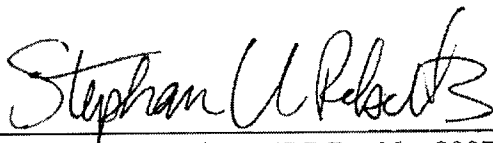
Ellen M. Evans, Esq.  
Navy Litigation Office  
720 Kennon Street  
Building 36, Room 233  
Washington Navy Yard, DC 20374-5013

Jeffrey Nelson, Esq.  
John. W. Flitter, Esq.  
Nanette S. Edwards, Esq.  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

Scott Elliott, Esq.  
Elliott & Elliott  
1508 Lady Street  
Columbia, SC 29201

Frank Knapp, Jr.  
118 East Selwood Lane  
Columbia, SC 29212

K. Chad Burgess, Esq.  
SCANA Corp.  
220 Operation Way MC C222  
Cayce, SC 29033

  
Stephanie U. Roberts (SC Bar No. 80073)

Dated: September 6, 2012

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2012-218-E

In the Matter of:	)	
	)	
South Carolina Electric & Gas Company -	)	<b>PETITION OF</b>
Application for Increases and Adjustments in	)	<b>WAL-MART STORES EAST, LP</b>
Electric Rate Schedules and Tariffs and Request	)	<b>AND SAM'S EAST, INC.</b>
for Mid-Period Reduction in Base Rates for Fuel	)	

---

Pursuant to Rule 103-825 of the rules and regulations of the South Carolina Public Service Commission ("Commission"), Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter. In support of its Petition to Intervene, Walmart submits as follows:

1. On June 29, 2012, South Carolina Electric & Gas Company ("SCE&G") filed an application with the Commission requesting authority to adjust, change, and increase its retail electric rates, charges, and tariffs and to make a mid-period reduction in base rates to reduce the fuel factor for electric service ("Application"). The Application was filed pursuant to S.C. Code Ann. Sections 58-27- 820, 58-27-860, and 58-27-870 (Supp. 2011) and 26 S.C. Code Ann. Regs. 103-823 (Supp. 2011).

2. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716-0550.

3. Walmart has the privilege of providing its retail services in the State of South Carolina. Walmart is a large commercial customer of SCE&G. Walmart has approximately 29 facilities in South Carolina that are served by SCE&G, which include Walmart Supercenters,

Sam's Clubs, and gas stations. Walmart purchases more than 125 million kWh annually from SCE&G. Electricity is one of the single highest operating costs faced by Walmart. As a result, any modification to SCE&G's electric rates and rate structure has the potential to substantially impact Walmart's operations in South Carolina. In other words, Walmart has a direct and substantial interest in the outcome of this proceeding that is unique in that it is a single commercial customer that purchases substantial amounts of electric and related services from SCE&G pursuant to multiple accounts at multiple locations. Thus, Walmart has an interest in this proceeding that is not represented by any other party.

4. Because SCE&G's pre-filed Direct Testimony is not due until October 2, 2012, Walmart has not yet fully evaluated the Application. Walmart anticipates that it may cause to be pre-filed the testimony of Steve W. Chriss, its Senior Manager of Energy Regulatory Analysis, and that any such testimony may cover issues raised in the Application and testimony related to cost-of-service, revenue allocation, and rate design. To the extent it is required to reserve hearing minutes at this time, Walmart reserves approximately fifteen minutes for Witness Chriss to summarize his pre-filed testimony; however, Walmart reserves the right to modify this estimate as its positions on issues raised in the Application and by other parties crystallize.

5. The attorneys representing Walmart in this proceeding are:

Stephanie U. Roberts  
Mary Kathryn King  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
E-mail: [sroberts@spilmanlaw.com](mailto:sroberts@spilmanlaw.com)  
[kking@spilmanlaw.com](mailto:kking@spilmanlaw.com)

Derrick Price Williamson  
Barry A. Naum  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 795-2740  
Fax: (717) 795-2743  
E-mail: [dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)

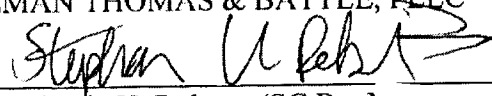
Ms. Roberts is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Williamson and Mr. Naum be added jointly to the service list. Walmart plans to cause to be filed a motion for Mr. Naum or Mr. Williamson to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Naum and Mr. Williamson be added to the official service list as attorneys authorized to accept service of papers in this proceeding.

6. This Petition to Intervene is timely filed, as this intervention request precedes the Commission's established deadline for intervention of September 7, 2012.

**WHEREFORE**, Wal-Mart Stores East, LP and Sam's East, Inc., respectfully request that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By 

Stephanie U. Roberts (SC Bar 1

Mary Kathryn King

Spilman Thomas & Battle, PLLC

110 Oakwood Drive, Suite 500

Winston-Salem, NC

Phone: (336) 631-1062

Fax: (336) 725-4476

E-mail: [sroberts@spilmanlaw.com](mailto:sroberts@spilmanlaw.com)

[kking@spilmanlaw.com](mailto:kking@spilmanlaw.com)

Derrick Price Williamson

Barry A. Naum

Spilman Thomas & Battle, PLLC

1100 Bent Creek Blvd., Suite 101

Mechanicsburg, PA 17050

Phone: (717) 795-2740

Fax: (717) 795-2743

E-mail: [dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)

Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

Dated: September 6, 2012